

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Billy Jerome Herring

Docket No. 5:07-CR-79-1BO

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Billy Jerome Herring, who, upon an earlier plea of guilty to Conspiracy to Distribute More Than 50 Grams of Cocaine Base (Crack) and More Than 500 Grams of Cocaine, in violation of 21 U.S.C. § 841(a)(1) and 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 19, 2007, to the custody of the Bureau of Prisons for a term of 135 months. Upon a motion of the defendant pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence was reduced to 120 months on November 18, 2014. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Billy Jerome Herring was released from custody on October 30, 2015, at which time the term of supervised release commenced. On November 6, 2015, a Violation Report was submitted advising that the defendant tested positive for marijuana on November 2, 2015. Herring signed an admission of drug use form acknowledging that he used ecstasy and marijuana. Herring was verbally reprimanded, counseled about his actions, and referred to outpatient substance abuse treatment. The court agreed to continue supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: During a home inspection on April 5, 2017, the defendant admitted to smoking marijuana on March 17, 2017, and he signed an admission of drug use form. As a sanction for this violation, the probation office is recommending that he be placed on 30 days curfew with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.


/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: April 7, 2017

Billy Jerome Herring
Docket No. 5:07-CR-79-1BO
Petition For Action
Page 2

ORDER OF THE COURT

Considered and ordered this 7 day of April, 2017, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge